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In re Application of NAKADA et al
U.S. Application No.: 09/831,598
Int. Application No.: PCT/JP99/06255
Int. Filing Date: 10 November 1999
Priority Date: 13 November 1998
Attorney Docket No.: 0020-4863P
For: AZEOTROPIC COMPOSITION....

COMMUNICATION

This is in response to applicants' "Letter Submitting Additional Documents for Entering National Phase For a PCT Application" filed 06 June 2001 and "Letter" filed 17 July 2001.

BACKGROUND

On 10 November 1999, applicants filed international application PCT/JP99/06255, which claimed priority of an earlier Japan application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2001, applicants filed a letter which states that it is accompanied by an executed declaration.

On 06 July 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 July 2001, applicants filed a letter which states that it is accompanied by a copy of the declaration purportedly filed on 06 June 2001.

DISCUSSION

A review of the application file indicates the absence of any declaration filed on 06 June 2001. The declaration filed 17 July 2001 is in compliance with 37 CFR 1.497 and thus is a proper response to the Notification of Missing Requirements mailed 06 July 2001.

CONCLUSION

Based on the 17 July 2001 filing date of the declaration, the application has a date under 35 U.S.C. 371 of 17 July 2001. If applicants believe they are entitled to an earlier date, a response to this communication must be filed within TWO (2) MONTHS from the mail date of this letter. A proper response would be a petition under 37 CFR 1.181 to treat the declaration as having been filed on 06 June 2001 along with a copy of a stamped return postcard receipt. No petition fee is due.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

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